

Exhibit 1

Plea Agreement

1 TARA K. MCGRATH
United States Attorney
2 W. MARK CONOVER
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3 California Bar No. 236090
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4 880 Front St., Room 6293
San Diego, CA 92101

5 Attorneys for United States of America

6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

Case No. 24CR _____ -JLS

10
11 v.

PLEA AGREEMENT

12 LEONARD GLENN FRANCIS,

13 Defendant.
14

15 IT IS HEREBY AGREED between UNITED STATES OF AMERICA, through its
16 counsel, Tara K. McGrath, United States Attorney, and W. Mark Conover
17 and Fred Sheppard, Assistant United States Attorneys, and Defendant
18 LEONARD GLENN FRANCIS, with the advice and consent of Doug Sprague,
19 counsel for Defendant, as follows:

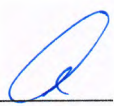
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21 I

22 THE PLEA

23 Defendant agrees to plead guilty to an Information charging
24 Defendant with failure to appear, in violation of 18 U.S.C. 3146.

25 This plea agreement is part of a "package" disposition with the
26 plea agreement previously accepted by this Court in cases United States
27 v. Francis, et al, Case Nos. 13CR3781, 13CR3782, 13CR4287. For Defendant
28 to receive the benefits of this agreement, Defendant must proceed to a

Plea Agreement

Def. Initials 

1 combined sentencing hearing on all four cases, which is currently set
2 for November 5, 2024.

3 II

4 NATURE OF THE OFFENSE

5 A. ELEMENTS EXPLAINED

6 The offense to which Defendant is pleading guilty has the following
7 elements:

8 1. Defendant was released from custody under the Bail Reform
9 Act while pending sentencing for an offense punishable by 15 years or
10 more in custody;

11 2. Defendant had been ordered to appear before a judicial
12 officer on September 22, 2022, as a condition of his release;

13 3. Defendant knew of this required appearance; and

14 4. Defendant willfully failed to appear as required by his
15 conditions of release.

16 B. ELEMENTS UNDERSTOOD AND ADMITTED - FACTUAL BASIS

17 Defendant has fully discussed the facts of this case with defense
18 counsel. Defendant has committed each element of the crime and admits
19 that there is a factual basis for this guilty plea.

20 The following facts are true and undisputed:

21 1. On or about September 16, 2013, Defendant was arrested
22 in the Southern District of California and charged in
23 *United States v. Leonard Glenn Francis*, Case Nos.
13CR3781, 13CR3782, 13CR4287 with three felonies:
24 Conspiracy to Commit Bribery, Bribery (18, U.S.C §
25 201(b)(1)(A) and (C) and 201(b)(2)(A)), and Conspiracy
to Defraud the United States (18 U.S.C §371). The
maximum term of imprisonment for Bribery is 15 years.

26 2. Defendant was in pretrial custody from the date of his
27 arrest until on or about December 18, 2017, when he
28 was released under the Bail Reform Act by order of the
Court and under the supervision of Pretrial Services.

3. From December 18, 2017, through September 4, 2022, Defendant was out of custody and on bond.
4. As part of his conditions of release, the Honorable Janis L. Sammartino, a United States District Judge, ordered that Defendant appear in court in the Southern District of California on September 22, 2022.
5. Defendant knew of this required appearance.
6. On or about September 4, 2022, in the Southern District of California, Defendant removed the GPS bracelet from his ankle without permission.
7. Defendant then fled the United States, initially to Mexico, then to Cuba, and finally to Venezuela, in part to flee from his upcoming sentencing.
8. On or about September 22, 2022, Defendant willfully failed to appear in court, as previously ordered.

III

PENALTIES

The crime to which Defendant is pleading guilty carries the following penalties:

- A. a maximum 10 years in prison;
- B. a maximum \$250,000.00 fine;
- C. a mandatory special assessment of \$100; and
- D. a term of supervised release of up to 3 years. Failure to comply with any condition of supervised release may result in revocation of supervised release, requiring Defendant to serve in prison, upon revocation, all or part of the statutory maximum term of supervised release.

Pursuant to Title 18, United States Code, Section 3146(b)(2), a term of imprisonment imposed under this section, if any, shall be consecutive to the sentence of imprisonment for any other offense.



IV

DEFENDANT'S WAIVER OF TRIAL RIGHTS AND
UNDERSTANDING OF CONSEQUENCES

This guilty plea waives Defendant's right at trial to:

- A. Continue to plead not guilty and require the Government to prove the elements of the crime beyond a reasonable doubt;
- B. A speedy and public trial by jury;
- C. The assistance of counsel at all stages;
- D. Confront and cross-examine adverse witnesses;
- E. Testify and present evidence and to have witnesses testify on behalf of Defendant; and,
- F. Not testify or have any adverse inferences drawn from the failure to testify.

Defendant has been advised by counsel and understands that because defendant is not a citizen of the United States, defendant's conviction in this case makes it practically inevitable and a virtual certainty that defendant will be removed or deported from the United States. Defendant may also be denied United States citizenship and admission to the United States in the future.

V

DEFENDANT ACKNOWLEDGES NO PRETRIAL RIGHT TO BE
PROVIDED WITH IMPEACHMENT AND AFFIRMATIVE DEFENSE INFORMATION

Any information establishing the factual innocence of Defendant known to the undersigned prosecutor in this case has been turned over to Defendant. The Government will continue to provide such information establishing the factual innocence of Defendant.

If this case proceeded to trial, the Government would be required to provide impeachment information for its witnesses. In addition, if Defendant raised an affirmative defense, the Government would be required to provide information in its possession that supports such a

1 defense. By pleading guilty Defendant will not be provided this
2 information, if any, and Defendant waives any right to this information.
3 Defendant will not attempt to withdraw the guilty plea or to file a
4 collateral attack based on the existence of this information.

5 VI

6 **DEFENDANT'S REPRESENTATION THAT GUILTY**
7 **PLEA IS KNOWING AND VOLUNTARY**

8 Defendant represents that:

- 9 A. Defendant has had a full opportunity to discuss all the facts
10 and circumstances of this case with defense counsel and has
11 a clear understanding of the charges and the consequences of
12 this plea. By pleading guilty, Defendant may be giving up,
13 and rendered ineligible to receive, valuable government
14 benefits and civic rights, such as the right to vote, the
15 right to possess a firearm, the right to hold office, and the
16 right to serve on a jury. The conviction in this case may
17 subject Defendant to various collateral consequences,
18 including but not limited to revocation of probation, parole,
19 or supervised release in another case; debarment from
20 government contracting; and suspension or revocation of a
21 professional license, none of which can serve as grounds to
22 withdraw Defendant's guilty plea.
- 23 B. No one has made any promises or offered any rewards in return
24 for this guilty plea, other than those contained in this
25 agreement or otherwise disclosed to the Court.
- 26 C. No one has threatened Defendant or Defendant's family to
27 induce this guilty plea.
- 28 D. Defendant is pleading guilty because Defendant is guilty and
for no other reason.

VII

AGREEMENT LIMITED TO U.S. DEPARTMENT OF JUSTICE

This plea agreement is limited to the United States Department of
Justice ("United States") and cannot bind any other authorities in any
type of matter, although the United States will bring this plea
agreement to the attention of other authorities if requested by
Defendant. The United States promises not to prosecute Defendant for
any other conduct arising out of the investigation that led to the

1 charges in case nos. 13CR3781, 13CR3782, and 13CR4287 or otherwise known
2 to the United States as of the date of this Agreement, including any
3 criminal conduct admitted to by Defendant leading to the Information
4 filed in this case.

5 VIII

6 APPLICABILITY OF SENTENCING GUIDELINES

7 The sentence imposed will be based on the factors set forth in 18
8 U.S.C. § 3553(a). In imposing the sentence, the sentencing judge must
9 consult the United States Sentencing Guidelines (Guidelines) and take
10 them into account. Defendant has discussed the Guidelines with defense
11 counsel and understands that the Guidelines are only advisory, not
12 mandatory. The Court may impose a sentence more severe or less severe
13 than otherwise applicable under the Guidelines, up to the maximum in
14 the statute of conviction. The sentence cannot be determined until a
15 presentence report is prepared by the U.S. Probation Office and defense
16 counsel and the Government have an opportunity to review and challenge
17 the presentence report. Nothing in this plea agreement limits the
18 Government's duty to provide complete and accurate facts to the district
19 court and the U.S. Probation Office.

20 The Sentencing Addendum attached hereto and incorporated herein by
21 reference as if set forth in the original, governs the parties'
22 Guidelines recommendations.

23 IX

24 SENTENCE IS WITHIN SOLE DISCRETION OF JUDGE

25 This plea agreement is made pursuant to Federal Rule of Criminal
26 Procedure 11(c)(1)(B). The sentence is within the sole discretion of
27 the sentencing judge who may impose the maximum sentence provided by
28 statute. It is uncertain at this time what Defendant's sentence will

1 be. The Government has not made and will not make any representation
2 about what sentence Defendant will receive. Any estimate of the probable
3 sentence by defense counsel is not a promise and is not binding on the
4 Court. Any recommendation by the Government at sentencing also is not
5 binding on the Court. If the sentencing judge does not follow any of
6 the parties' sentencing recommendations, Defendant will not withdraw
7 the plea.

8 X

9 PARTIES' SENTENCING RECOMMENDATIONS

10 The Sentencing Addendum attached hereto and incorporated herein by
11 reference, as if set forth in the original, governs the parties'
12 sentencing calculations and custodial recommendations in this case and
13 case Nos. 13CR3781, 13CR3782, and 13CR4287.

14 The United States will not be obligated to recommend any adjustment
15 for acceptance of responsibility if the defendant engages in conduct
16 inconsistent with acceptance of responsibility in this matter
17 including, but not limited to, the following:

18 1. Failing to truthfully admit a complete factual basis as
19 provided in this plea agreement at the time the plea is entered, or
20 falsely denying or making a statement inconsistent with, the factual
21 basis set forth herein;

22 2. Falsely denying prior criminal conduct;

23 3. Being untruthful with the government, the Court or the
24 Probation Office; or

25 4. Materially breaching this plea agreement in any way.

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XI

SPECIAL ASSESSMENT/FINE/SUPERVISED RELEASE

1. Special Assessment

The parties will jointly recommend that Defendant pay a special assessment in the amount of \$100.00 per felony count of conviction to be paid forthwith at time of sentencing. Special assessments shall be paid through the office of the Clerk of the District Court by bank or cashier's check or money order made payable to the "Clerk, United States District Court."

2. Fine

The parties have no agreement as to a fine, if any, the Court may order the defendant pay.

3. Supervised Release

If the Court imposes a term of supervised release, Defendant will not seek to reduce or terminate early the term of supervised release until Defendant has served at least 2/3 of the term of supervised release and has fully paid and satisfied any special assessments, fine, criminal forfeiture judgment, and restitution judgment.

XII

DEFENDANT WAIVES APPEAL AND COLLATERAL ATTACK

The Sentencing Addendum attached hereto and incorporated herein by reference, as if set forth in the original, governs the defendant's waiver of appeal and collateral attack in this case.

XII

BREACH OF THE PLEA AGREEMENT

Defendant and Defendant's attorney know the terms of this agreement and shall raise, before the sentencing hearing is complete, any claim that the Government has not complied with this agreement. Otherwise,

1 such claims shall be deemed waived (that is, deliberately not raised
2 despite awareness that the claim could be raised), cannot later be made
3 to any court, and if later made to a court, shall constitute a breach
4 of this agreement.

5 Defendant breaches this agreement if Defendant violates or fails
6 to perform any obligation under this agreement. The following are non-
7 exhaustive examples of acts constituting a breach:

- 8 1. Failing to plead guilty pursuant to this agreement;
- 9 2. Failing to fully accept responsibility as established in
10 Section X above;
- 11 3. Failing to appear in court;
- 12 4. Attempting to withdraw the plea;
- 13 5. Failing to abide by any court order related to this case;
- 14 6. Appealing (which occurs if a notice of appeal is filed)
15 or collaterally attacking the conviction or sentence in
16 violation of the Sentencing Addendum filed in
17 conjunction with the plea agreement; or
- 18 7. Engaging in additional criminal conduct from the time of
19 arrest until the time of sentencing.

20 If Defendant breaches this plea agreement, Defendant will not be
21 able to enforce any provisions, and the Government will be relieved of
22 all its obligations under this plea agreement. For example, the
23 Government may proceed to sentencing but recommend a different sentence
24 than what it agreed to recommend above. Or the Government may pursue
25 any charges including those that were dismissed, promised to be
26 dismissed, or not filed as a result of this agreement (Defendant agrees
27 that any statute of limitations relating to such charges is tolled
28 indefinitely as of the date all parties have signed this agreement;

1 Defendant also waives any double jeopardy defense to such charges). In
2 addition, the Government may move to set aside Defendant's guilty plea.
3 Defendant may not withdraw the guilty plea based on the Government's
4 pursuit of remedies for Defendant's breach.

5 Additionally, if Defendant breaches this plea agreement: (i) any
6 statements made by Defendant, under oath, at the guilty plea hearing
7 (before either a Magistrate Judge or a District Judge); (ii) the factual
8 basis statement in Section II.B in this agreement; and (iii) any
9 evidence derived from such statements, are admissible against Defendant
10 in any prosecution of, or any action against, Defendant. This includes
11 the prosecution of the charge(s) that is the subject of this plea
12 agreement or any charge(s) that the prosecution agreed to dismiss or
13 not file as part of this agreement, but later pursues because of a
14 breach by the Defendant. Additionally, Defendant knowingly,
15 voluntarily, and intelligently waives any argument that the statements
16 and any evidence derived from the statements should be suppressed,
17 cannot be used by the Government, or are inadmissible under the United
18 States Constitution, any statute, Rule 410 of the Federal Rules of
19 Evidence, Rule 11(f) of the Federal Rules of Criminal Procedure, and
20 any other federal rule.

21 XIII

22 CONTENTS AND MODIFICATION OF AGREEMENT

23 This plea agreement, which incorporates the Sentencing Addendum to
24 be filed at the same time, embodies the entire agreement between the
25 parties as to the defendant's failure to appear for sentencing in
26 September 2022, and supersedes any other agreement, written or oral, as
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1 to that failure to appear. No modification of this plea agreement shall
2 be effective unless in writing signed by all parties.

3 XIV

4 DEFENDANT AND COUNSEL FULLY UNDERSTAND AGREEMENT

5 By signing this agreement, Defendant certifies that Defendant has
6 read it (or that it has been read to Defendant in Defendant's native
7 language). Defendant has discussed the terms of this agreement with
8 defense counsel and fully understands its meaning and effect.

9 XV

10 DEFENDANT SATISFIED WITH COUNSEL

11 Defendant has consulted with counsel and is satisfied with
12 counsel's representation. This is Defendant's independent opinion, and
13 Defendant's counsel did not advise Defendant about what to say in this
14 regard.
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16 TARA K. MCGRATH
17 United States Attorney

18
19 9/27/2024
20 DATED

21 W. MARK CONOVER
22 FRED SHEPPARD
23 Assistant U.S. Attorneys

24
25 9/24/2024
26 DATED

27 DOUG SPRAGUE
28 Defense Counsel

29 IN ADDITION TO THE FOREGOING PROVISIONS TO WHICH I AGREE, I SWEAR UNDER
30 PENALTY OF PERJURY THAT THE FACTS IN THE "FACTUAL BASIS" SECTION ABOVE
31 ARE TRUE.

32
33 9/23/2024
34 DATED

35 LEONARD GLENN FRANCIS
36 Defendant

Exhibit 2

Information

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9
10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

Case No. _____

13
14 v.

I N F O R M A T I O N

15 LEONARD GLENN FRANCIS,

Title 18, U.S.C., Sec. 3146
- Failure to Appear for
Sentencing

16
17 Defendant.

18
19 The United States Attorney charges:

20 **COUNT 1**

21 On or about September 22, 2022, in the Southern District of
22 California, the defendant, LEONARD G. FRANCIS, having been released
23 pursuant to Chapter 207 of Title 18, United States Code, while awaiting
24 sentence after conviction for an offense punishable by imprisonment for
25 a term of 15 years or more in *United States v. Francis*, et. al, Criminal
26 Case Nos. 13CR3781, 13CR3782, 13CR4287, did knowingly and willfully fail

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1 to appear before the Honorable Judge Janis L. Sammartino as required by
2 his conditions of release, in violation of 18 U.S.C. § 3146(a)(1).

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4 DATED: September ____, 2024.

5 TARA K. McGRATH
6 United States Attorney

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8 Assistant U.S. Attorney
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